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Message Text

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ORIGIN ARA-10

INFO OCT-01 SS-15 SSO-00 OES-06 ISO-00 CCO-00 /032 R

DRAFTED BY ARA:JKEANE:GMR
APPROVED BY ARA:WHLUERS
S/S - R. PERITO
S - RWAHERNE
OES:BUSBY
---------- 034307
P 170157Z SEP 76 ZFF4
FM SECSTATE WASHDC
TO USDEL SECRETARY PRIORITY

C O N F I D E N T I A L STATE 229950 TOSEC 270252

FROM ARA-WHLUERS, ACTING

E.O. 11652: GDS

TAGS: EFIN, MX, US

SUBJECT:ACTION MEMORANDUM - PROPOSED INTERIM REPLY TO
MEXICAN FOREIGN SECRETARY GARCIA ROBLES ON FISHERIES
AGREEMENT (S/S:7619569)

1. THE PROBLEM.

TO REPLY TO FOREIGN SECRETARY GARCIA ROBLES' LETTER
OF SEPTEMBER 10 URGING US TO SIGN THE U.S.-MEXICO
FISHERIES AGREEMENT.

2. DISCUSSION.

YOU RECEIVED A LETTER FROM GARCIA ROBLES DATED
SEPTEMBER 10 (ATTACHED) SAYING THAT, IF WE DO NOT SIGN
THE FISHERIES AGREEMENT SOON, THE GOM WILL HAVE NO OTHER
ALTERNATIVE THAN TO ENFORCE ITS LAWS AGAINST OUR BOATS.
YOU SIGNED A MEMORANDUM TO THE PRESIDENT PUTTING THE PRO
LEM BEFORE HIM. WE INFORMED YOU (SEPTEL) THAT THE WHITE
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HOUSE IS NOW ENDEAVORING TO HAVE THE PRESIDENT AUTHORIZE

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US TO SIGN THE AGREEMENT. WE RECOMMEND YOU SEND AN INTERIM REPLY. A SUGGESTED TEXT FOLLOWS:

QUOTE: DEAR MR. SECRETARY:
PRIOR TO MY DEPARTURE FOR AFRICA I RECEIVED YOUR LETTER OF SEPTEMBER 10 CONCERNING OUR NEGOTIATIONS TOWARDS CONCLUDING A FISHERIES AGREEMENT. I WANT TO ASSURE YOU THAT I CONSIDER THIS AGREEMENT OF THE GREATEST IMPORTANCE, AND AM AWARE OF THE POTENTIAL SERIOUS CONSEQUENCES OF UNDUE DELAY. FOR THAT REASON, I HAVE GIVEN THIS MATTER MY CLOSE PERSONAL ATTENTION, AND I HOPE THAT WE WILL BE ABLE TO GIVE YOU A REPLY WITHIN THE NEXT FEW DAYS.

I AM LOOKING FORWARD TO SEEING YOU IN NEW YORK DURING THE UN GENERAL ASSEMBLY. WITH BEST REGARDS, SINCERELY, HENRY A. KISSINGER. UNQUOTE.

3. RECOMMENDATION.

THAT YOU AUTHORIZE US TO TRANSMIT THE PROPOSED RESPONSE TO GARCIA ROBLES.

APPROVE DISAPPROVE

ATTACHMENT: INFORMAL TRANSLATION OF SEPTEMBER 10 LETTER FROM GARCIA ROBLES:

QUOTE: DEAR MR. SECRETARY:

AS YOU KNOW ON THE 6TH OF AUGUST 1976 NEGOTIATIONS WERE COMPLETED IN NEW YORK ON A FISHING AGREEMENT BETWEEN MEXICO AND THE US WITH RESPECT TO THE SURPLUS CATCH TO WHICH AMERICAN FISHING BOATS WOULD HAVE ACCESS IN THE MEXICAN ECONOMIC ZONE. THE NEGOTIATORS OF BOTH COUNTRIES AGREED ON THE SAME TEXT OF THE AGREEMENT AS WELL AS TO THE ANNEX AND APPENDICES.

AS UNDER SECRETARY JORGE CASTENADA TOLD YOU PERSONALLY ON THE 2ND OF SEPTEMBER, IN COMPLIANCE WITH CONFIDENTIAL

MY INSTRUCTIONS, MY GOVERNMENT IS SERIOUSLY CONCERNED BECAUSE THE AGREEMENT HAS NOT YET BEEN SIGNED. MEXICO HAS ABSTAINED FROM APPLYING ITS LAW, SINCE ITS ENTRY INTO FORCE ON THE 31ST OF JULY, WITH RESPECT TO THE AMERICAN BOATS THAT FISH IN THE ZONE, IN ORDER TO GIVE SUFFICIENT TIME FOR THE SIGNING OF THE AGREEMENT AND TO UNDERTAKE THE ACCOMPANYING ADMINISTRATIVE MEASURES THAT ARE REQUIRED FOR ITS APPLICATION. TOO MUCH DELAY IN

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APPLYING THE LAW WOULD CREATE A SERIOUS PROBLEM FOR US. AMONG OTHER REASONS THERE WOULD BE AN UNFAVORABLE EFFECT ON PUBLIC OPINION, PARTICULARLY SINCE A PARALLEL AND EQUAL AGREEMENT SIGNED WITH CUBA ENTERED INTO FORCE AND HAS BEEN APPLIED NORMALLY SINCE THE END OF JULY 1976.

FOR MY GOVERNMENT, THE TERMS OF THE AGREEMENT NEGOTIATED WITH THE US ARE EQUITABLE AND SATISFACTORY AND WE UNDERSTAND THEY WERE ALSO CONSIDERED TO BE SO BY THE US OFFICIALS WHO PARTICIPATED IN THE NEGOTIATIONS. WE WOULD NOT BE ABLE TO RENEGOTIATE THE TERMS SINCE WE HAVE ACCEPTED THEM AS A RESULT OF LONG AND DIFFICULT NEGOTIATIONS CARRIED OUT WITH COMPLETE GOOD FAITH AND ON THE BASIS OF MUTUAL CONCESSION. ON THE OTHER HAND, LACKING A FORMAL AGREEMENT WITH THE US WOULD LEAVE US WITH NO OTHER ALTERNATIVE THAN TO FIND IT NECESSARY TO APPLY OUR LAW WITH RESPECT TO AMERICAN BOATS. AS YOU UNDERSTAND, MR. SECRETARY, THIS COULD PROVOKE A SERIOUS CONFLICTIVE SITUATION BETWEEN OUR TWO COUNTRIES.

I WISH, THEREFORE, TO INFORM YOU OF THE INTEREST MY GOVERNMENT TAKES IN THIS MATTER AND TO ASK FOR YOUR VALUABLE AND EFFECTIVE PERSONAL INTERVENTION TOWARD FINDING A QUICK SOLUTION.

I TAKE THIS OCCASION TO REITERATE TO YOU THE EXPRESSION OF MY HIGHEST CONSIDERATION AND PERSONAL ESTEEM.

ALFONSO GARCIA ROBLES

UNQUOTE.
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DRAFTED BY: ARA:JKEANE
APPROVED BY: ARA:WHLUERS
CLEARANCES: S:RWAHERNE; OES:BUSBY

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